

St. Andrew the Apostle Catholic Primary School

Appropriate Policy Document

Schedule 1, Part 4 – Data Protection Act 2018

Introduction

The Data Protection Act 2018 makes it a legal requirement for the School to have an appropriate policy document in place that states how the sensitive personal data and criminal convictions data is used by the School.

Sensitive personal data (special category data) and criminal conviction data are given extra significance in both the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018. This policy has been written to ensure that the School is using this data correctly and is upholding the rights and freedoms of the individuals that data is about.

Conditions

Where the School use sensitive personal data or criminal convictions data in line with employment law or public interest obligations (for example under the Children Act 1989) it is necessary to also meet one of the conditions in Schedule 1, Part 2 of the Data Protection Act 2018. This use of personal data requires this policy document to exist.

In addition, if the School uses personal data for any purpose in Schedule 1, Parts 1-3 of the Act, this document exists to legitimise that usage.

Schedule 1, Part 1

Paragraph 1 – Employment, social security and social protection

The School may use sensitive personal data or criminal conviction data as part of its obligations to pupils, parents and school employees.

Employment

Due to the imbalance between the employee and the School, the School cannot ask for consent to use personal data for employment purposes. This condition is relied upon in place of consent. It will be used where the School needs to share employee data with other parties. It also allows the School to use sensitive personal data such as DBS disclosures for employment purposes.

The main use of this condition is for HR functions such as recruitment, disciplinary procedures and upholding worker's rights in disputes.

Social Security Law

This condition allows the School to use sensitive personal data to provide the following functions: -

Sick pay and maternity/paternity pay for staff.

Schedule 1, Part 2 – Substantial Public Interest Conditions

Equality of Opportunity or Treatment

This condition allows the School to use sensitive personal data to ensure diversity is managed, monitored and implemented throughout the School. This can include monitoring and initiatives towards promoting equality of opportunity or treatment.

The School uses sensitive personal data to fulfil our obligations under the Equality Act 2010 and ensure equal access to all of our services.

Preventing or Detecting Unlawful Acts

This condition allows the School to use sensitive personal data to help investigate or prosecute crimes and unlawful acts such as fraud. This gives the School the ability to share and receive personal data from a variety of agencies such as the police in order to help to prosecute crimes.

Preventing Fraud

This condition allows the School to use sensitive personal data to prevent and apprehend fraud of all types. It also allows the School to use personal data to investigate fraudulent acts by School Staff or Governors.

Safeguarding of children or individuals at risk

This condition allows the School to use and share sensitive data where consent isn't possible or practical, in order to safeguard individuals at risk of harm. This condition also allows the School to obtain and hold the results of DBS checks regarding staff.

Support for individuals with a particular disability or medical need

This condition allows the School to use sensitive personal data to provide individuals with specific help for their needs, where necessary.

Insurance

This condition allows the School to use sensitive data to defend and pursue insurance claims. It also allows the School to use sensitive personal data for the establishment of our insurance contracts, this may include the transfer of our claims database from one provider to another as part of the tender process.

Occupational Pensions

The School is allowed to use sensitive personal data for the administration of occupational pension functions for their staff. This includes assessing who is eligible for the scheme or what a member of staff is entitled to financially. We may also use this data to assess claims made by family members of staff.

Elected Members

Conditions 23 & 24 relate to disclosures made by the School to Elected Members as part of the Member's constituency or School business. Where it is not practical, inappropriate or

problematic to obtain the consent of the individual, the School may disclose sensitive data to an Elected Member in order for them to conduct their own constituency business.

Compliance with the Data Protection Principles

Principle 1 – Personal data must be processed fairly, lawfully and with transparency

The School complies with the fairness and transparency element of this principle by providing privacy notices for all purposes that we process or collect personal data. The Schools Privacy Notices can be found online.

With regards to the lawful basis, the School always ensures that a lawful basis has been identified for each processing function. This is often covered by the wealth of legal powers that the School has to process personal data. These lawful bases were mapped and are logged as part of the School's Record of Processing Activities, under Article 30 of the UK GDPR.

Principle 2 – Specified Purpose

The School only uses and collects personal data for limited and specified purposes. All of these purposes are communicated through the School's Privacy Notices.

If it becomes necessary to change the purpose the data is used for, or to add a new purpose, the School will assess the risks and lawfulness of this change. Where necessary a new lawful basis will be found and this will be communicated to the data subjects.

Principle 3 – Adequate, Relevant and Limited to what is Necessary

The School will only collect, use or share the minimum amount of information required for the purpose. This way, only relevant personal data is stored on our systems.

Principle 4 – Accurate and up to date

The School strives to collect and use accurate personal data. This involves double checks when data is collected and entered into our systems as well as periodic reviews of personal data held on our systems.

Principle 5 – Retained no longer than necessary

The School has policies in place for the retention, review and disposal of the personal data we hold, whether this is electronically or physically. This allows us to keep data for no longer than is necessary.

All retention periods are laid out in the School Records Retention Policy and are based on best practice and legal requirements.

Principle 6 – Stored Securely

The school has a responsibility to keep personal data secure using technical and organisational measures. The School has invested money and time into this security that include measures such as: -

- Appropriate cyber and network security
- Encrypted equipment for staff
- Access based controls to School systems
- DBS checks for staff that require them
- Policies and procedures relating to data protection
- Data protection training for staff

Retention and Destruction of Personal Data

The School hold personal data in line with the School Retention Policy. All School data is stored securely including electronic storage.

Legal Requirements

This policy is written in accordance with UK data protection legislation, which at time of writing consists of -

- Data Protection Act 2018
- UK General Data Protection Regulation
- The Data Protection, Privacy and Electronic Communications Regulations (Amendments etc.) (EU Exit) Regulations 2019

Breaches of Policy

This policy is required by the Data Protection Act 2018 and is therefore required by UK law. Any breach of this policy or the data protection principles themselves must be handled in line with the School's data breach management process.

All enquiries regarding this policy or data protection should be addressed to Mrs E Bakstad, the Data Protection Officer standrew@knowsley.gov.uk